

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ERASMO GONZALES,	§	
TDCJ# 767603,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-09-107
	§	
NATHANIEL QUARTERMAN, <i>et al</i> ,	§	
	§	
Respondents.	§	

MEMORANDUM OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at the McConnell Unit in Beeville, Texas (D.E. 1). Petitioner states he was convicted of indecency with a child and sentenced to thirty years on November 21, 1996, in the 69th Judicial District Court of Dallam County, Texas (*Id.*).

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in the Corpus Christi Division of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in the Amarillo Division of the Northern District of Texas. 28 U.S.C. § 124(a)(5).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner was convicted in Dallam County, it is more convenient for the action to be handled in the Amarillo

Division of the Northern District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the Amarillo Division of the Northern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Northern District of Texas, Amarillo Division. All pending motions are denied as moot and subject to renewal after the case is transferred.

ORDERED this 21st day of May, 2009.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE